

Serial No. 10/821,725

Drawing Amendments

There are no amendments to the drawings.

Serial No. 10/821,725

Remarks

The Office Action of 07/09/2008 rejected claims 6, 8, 10, 11, 13, 21, 23, and 25, as being unpatentable under 35 U.S.C. §103 (a) over U.S. Patent No. 6,457,043 of W.I. Kwak, et al. (hereafter referred to as Kwak) in view of U.S. Patent Application Publication No. 2003/0081751 of V. Berstis (hereafter referred to as Berstis) and further in view of U.S. Patent Application Publication No. 2004/0013252 of M.L. Craner (hereafter referred to as Craner). In addition, the Office Action rejected claims 9, 14, and 24, as being unpatentable under 35 U.S.C. §103 (a) over Kwak in view of Berstis and further in view of Craner and further in view of U.S. Patent No. 6,826,159 of S. Shaffer, et al. (hereafter referred to as Shaffer). No claims are being amended or canceled.

Rejection of claims 6, 8, 10, 11, 13, 21, 23, and 25, under 35 U.S.C. §103 (a) over Kwak in view of Berstis and further in view of Craner

This rejection is respectfully traversed.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all

Serial No. 10/821,725

the claim limitations. See M.P.E.P. § 2143. Additionally, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). This requirement is intended to prevent unacceptable "hindsight reconstruction" where applicant's invention is re-created from references using the application as a blueprint. The Applicants respectfully assert that the first and second criteria has not been meant and that the third criteria also has not been meant since the combination of Kwak, Berstis, and Craner fail to teach or suggest each limitation of the Applicants' claimed invention.

Consider whether the third of the criteria is meant.

Claim 6 recites:

A method for performing participant identification in a conference of a plurality of participants, comprising the steps of:
performing a simple speech algorithm to detect a change in an active participant among a set of the plurality of participants using an endpoint telecommunication unit by the endpoint telecommunication unit whereby the speech algorithm only determines the change in the active participant and not the identity of the active participant;
signaling the detected change to a conference unit by the endpoint telecommunication unit; and
determining the identity of a new active participant of the set of the plurality of participants by the conference unit performing voice recognition to identify the new active participant in response to the signaled change whereby the conference unit processes speech information from only the endpoint telecommunication unit.

Claim 6 recites that an endpoint telecommunication unit which is providing access to a conference for a set of participants to the conference only performs a simple speech

Serial No. 10/821,725

algorithm to detect when a new active participant of the set of participants using the endpoint telecommunication unit starts to speak. Claim 6 very clearly recites "the speech algorithm only determines the change in the active participant and not the identity of the active participant". The endpoint telecommunication unit then signals the conference unit that a new active participant has started to speak on the endpoint telecommunication unit. In response to the signal from the endpoint telecommunication unit, the conference unit performs voice recognition to identify the new active participant. These operations have the advantage that the endpoint telecommunication unit does not have to perform voice recognition which in the case of an IP telephone could exceed the processing capabilities of the IP telephone. In addition, since the conferencing unit only has to perform voice recognition to identify a new active participant when a signal is received from the endpoint telecommunication unit, this greatly reduces the processing requirements of the conferencing unit. Without such a signal, the conferencing unit would constantly have to perform voice recognition on all voice information being received from endpoints of the conference to determine if a new participant was speaking. In a large conference, this requirement would place an enormous processing load on the conferencing unit.

The Office Action states on page 2 that Kwak teaches "detecting a change in an active participant among a set of

Serial No. 10/821,725

plurality of participants using an endpoint telecommunication unit by the endpoint telecommunication unit (column 8 lines 9-16); and signaling the detected change to a conference unit (column 4 lines 3-22)." Kwak discloses that the new active participant activates an identification button when the new participant starts to speak in the text cited by the Office Action in column 8. It is the activation of this identification button that the endpoint telecommunication unit detects before signaling the conference unit. However, claim 6 clearly recites that the endpoint telecommunication unit performs a simple speech algorithm to detect only a change in an active participant and does not identify the new active participant.

On page 3, the Office Action acknowledges that Kwak does not disclose detecting the new active participant using a simple speech algorithm and cites Paragraphs [0033] and [0034] of Craner for teaching the identification of a change in active participant using a simple algorithm. However, Craner does not teach or disclose using a simple speech algorithm to only identify a change in active participant but rather discloses the identification of an active participant. This is clearly disclosed in Craner in Figure 7 and corresponding text in Paragraphs [0070]-[0072] which clearly disclose that Craner teaches the actual identification of the participant not the mere change in the active participant.

With respect to the step of determining a new participant of the set of the participants by the conference unit,

Serial No. 10/821,725

the Office Action on pages 2 and 3 states "determining the identity of a new active participant of the set of plurality of active participants by the conference unit in response to the signaled change (7 lines 64-column 8 line 3; column 8 lines 9-16) whereby the conference unit processes speech information from only the endpoint telecommunication unit. (column 8 lines 34-37)". The text in Kwak at column 8, lines 9-32, is very clear that speaker identifier 40 (Speaker ID service 52) does not perform voice recognition to identify the new active participant but rather determines this identity based on which identification button was pushed by the new active participant. Further, the text at column 4, line 3-10, is very clear that speaker identifier 40 is only responsive to the identification switches to determine the identity of a new active participant. In addition, dominant party identifier 32 does not perform voice recognition to determine who the dominant party is.

The Office Action acknowledges that Kwak does not teach or disclose using voice recognition for identifying the new active participant but rather, cites Berstis on page 3 as disclosing such a conference unit in Paragraphs [0056] and [0058]. The cited paragraphs disclose the use of continuous voice recognition to determine the active participant but do not disclose or suggest that the voice recognition is performed in response to a telecommunication unit signaling a new active participant; rather, the voice recognition unit in Berstis must

Serial No. 10/821,725

continuously analyze all voice information on the conference to determine if there has been a change in the active participant.

Consider whether the second of the criteria is meant requiring that there must be a reasonable expectation of success. Since both Berstis and Craner do full identification of a participant, these 2 references cannot be combined to produce a system that performs the steps recited in claim 6 in the manner stated in the Office Action.

Consider whether the first of the criteria is meant requiring that there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Because of the basic incompatibility of Berstis and Craner, one skilled in the art would not find a suggestion or motivation to combine these 2 references together. Nor, would one skilled in the art find any motivation to combine Berstis and Kwak since Kwak does not have to perform participant identification using voice recognition in conference manager 22 since the participant identification has already been performed in conference terminal 20.

In view of the foregoing, applicants respectfully submit that claim 6 is patentable under 35 U.S.C. §103 (a) over Kwak, Craner, and Berstis.

Serial No. 10/821,725

Dependent claims 8 and 10 are directly or indirectly dependent on independent claim 6 and are patentable for at least the same reasons as claim 6.

Applicants also respectfully submit that claims 11 and 13 are also patentable under 35 U.S.C. §103 (a) for the same reasons as claims 6 and 8.

Applicants also respectfully submit that claims 21, 23, and 25 are also patentable under 35 U.S.C. §103 (a) for the same reasons as claims 6, 8, and 10.

Rejection of claims 9, 14, and 24 under 35 U.S.C. §103 (a) over Kwak in view of Craner and in view of Berstis and further in view of Schaffer

Claim 9 is directly dependent on claim 6 and is patentable for at least the same reasons as claim 6. The Office Action only cited Schaffer as disclosing that the endpoint telecommunication unit is connected to a remote switch . Note, that Schaffer does not discloses or suggest the performance of a simple speech algorithm as is recited in claim 6 nor does the text cited by the Office Action disclose such a algorithm.

Applicants respectfully submit that claim 9 is patentable over the cited references under 35 U.S.C. §103 (a).

Also, applicants respectfully submit that claims 14 and 24 which are directly dependent on claims 11 and 21, respectively, are patentable over the cited references under 35 U.S.C. §103 (a) for similar reasons as those stated with respect to claim 9.

Serial No. 10/821,725

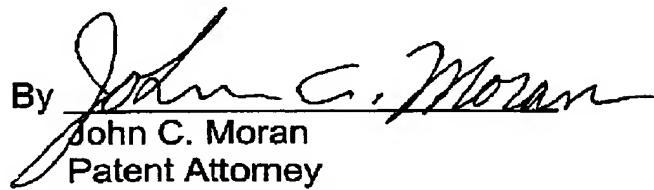
Summary

In view of the foregoing, applicants respectfully request reconsideration of claims 6, 8, 9, 10, 11, 13, 14, 21, and 23-25, and allowance of these claims.

Although the foregoing is believed to be dispositive of the issues in the application, if the Examiner believes that a telephone interview would advance the prosecution, the Examiner is invited to call applicants' attorney at the telephone number listed below.

Respectfully,

Dylan Jay
Rohan Lenard

By 
John C. Moran
Patent Attorney
Reg. No. 30,782
303-450-9926

Date: 09/07/2008

John C. Moran, Attorney, P.C.
4120 115th Place
Thornton, CO 80233